

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>KIMBERLY ROQUEMORE,</b>	)	<b>CASE NO. 1:24 CV 01434</b>
	)	
<i>Individually and as the Administratrix</i>	)	
<i>of the Estate of Maalik Roquemore,</i>	)	<b>JUDGE DONALD C. NUGENT</b>
<i>Deceased,</i>	)	
	)	
<b>Plaintiff,</b>	)	(This Memorandum of Opinion and
	)	Order Relates to Documents ECF #32,
<b>v.</b>	)	ECF #35, ECF #39, and ECF #44)
	)	
<b>CUYAHOGA METROPOLITAN</b>	)	
<b>HOUSING AUTHORITY, et al.,</b>	)	<b><u>ORDER</u></b>
	)	
<b>Defendants.</b>	)	

Pursuant to the Memorandum of Opinion issued in the above-captioned case this date:

**DEFENDANTS' MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS:**

*Defendants' Motion for Partial Judgment on the Pleadings* (ECF #32) is GRANTED in part and DENIED in part, specifically:

As to **ALL** claims asserted against **CMHAPD**, in the *First Cause of Action, Second Cause of Action, Third Cause of Action, and Fourth Cause of Action*, the *Defendants' Motion for Partial Judgment on the Pleadings* is **GRANTED**.

**First Cause of Action (Excessive Force/Failure to Train, 42 U.S.C. § 1983):**

As to the “official capacity” claims asserted against **Defendants González, McDowell, Ragland, Burdyslaw, Smiddy, and Patterson**, the *Defendants’ Motion for Partial Judgment on the Pleadings* is **GRANTED**.

As to the “individual capacity” claims asserted against **Defendants González, McDowell, Burdyslaw, Smiddy, and Patterson**, the *Defendants’ Motion for Partial Judgment on the Pleadings* is **DENIED**.

**Second Cause of Action (Wrongful Death Under Ohio Law):**

As to the wrongful death claims asserted against **Defendants CMHA, González, McDowell, Burdyslaw, Smiddy, and Patterson**, the *Defendants’ Motion for Partial Judgment on the Pleadings* is **GRANTED**.

**Third Cause of Action (Americans With Disabilities Act, 42 U.S.C. § 12101, et seq.):**

As to the Americans With Disabilities Act claims asserted against **Defendants CMHA, González, McDowell, Ragland, Burdyslaw, Smiddy, and Patterson**, the *Defendants’ Motion for Partial Judgment on the Pleadings* is **GRANTED**.

**Fourth Cause of Action (Negligence/Malice Under Ohio Law):**

As to the negligence claims asserted against **Defendants CMHA, González, McDowell, Ragland, Burdyslaw, Smiddy, and Patterson**, the *Defendants’ Motion for Partial Judgment on the Pleadings* is **GRANTED**.

Accordingly, (1) the *First Cause of Action* excessive force and failure to train claims

under 42 U.S.C. § 1983 against Defendant CMHA remain; (2) the *First Cause of Action* “individual capacity” excessive force claims under 42 U.S.C. § 1983 against Defendant Ragland remain; and (3) the *First Cause of Action* failure to train claims under 42 U.S.C. § 1983 against Defendants González, McDowell, Ragland, Burdyslaw, Smiddy, and Patterson remain. The *Second Cause of Action* wrongful death claim against Defendant Ragland also remains.

**PLAINTIFF’S MOTION FOR LEAVE TO  
SUPPLEMENT FIRST AMENDED COMPLAINT:**

*Plaintiff’s Motion for Leave to Supplement First Amended Complaint (ECF #35) is*

**DENIED** as MOOT.

IT IS SO ORDERED.

  
\_\_\_\_\_  
DONALD C. NUGENT  
United States District Judge

DATED: \_\_\_\_\_

